

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST
LITIGATION

Civ. No. 11-md-2262 (NRB)

THIS DOCUMENT RELATES TO:

33-35 GREEN POND ROAD ASSOC., LLC,
on behalf of itself and all others similarly
situated,

Civ. No. 12-cv-5822 (NRB)

Plaintiff,

v.

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

COURTYARD AT AMWELL II, LLC, et al.,
on behalf of themselves and all others similarly
situated,

Civ. No. 12-cv-6693 (NRB)

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,
et al.,

Defendants.

**NON-DEFENDANT OTC PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENTS WITH BARCLAYS PLC, BARCLAYS BANK PLC, BARCLAYS
CAPITAL INC., JPMORGAN CHASE & CO., JPMORGAN CHASE BANK, N.A.,
BANK OF AMERICA CORPORATION, BANK OF AMERICA, N.A. AND
CITIBANK, N.A., FOR PROVISIONAL CERTIFICATION OF SETTLEMENT
CLASSES, AND FOR APPOINTMENT OF SETTLEMENT CLASS COUNSEL**

Non-Defendant OTC Plaintiffs 33-35 Green Pond Road Associates, LLC, Courtyard at
Amwell II, LLC, Greenwich Commons II, LLC, Jill Court Associates II, LLC, Maiden Creek

Ventures II LP, Raritan Commons, LLC, and Lawrence W. Gardner (“Plaintiffs”), hereby move the Court, pursuant to Rule 23 of the Federal Rules of Civil Procedure, for preliminary approval of the proposed settlements with Barclays PLC, Barclays Bank PLC, and Barclays Capital Inc. (collectively “Barclays”), JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. (collectively “JPM”), Bank of America Corporation and Bank of America, N.A. (collectively “BOA”), and Citibank, N.A. (“Citi”). Plaintiffs also move the Court for provisional certification of the Barclays, HSBC, JPM/BOA, and Citi Settlement Classes, and for appointment of Settlement Class Counsel. In support of this motion, Plaintiffs rely upon the accompanying memorandum of law, the March 10, 2020 Declaration of Steven J. Greenfogel and exhibits thereto, the March 10, 2020 Declaration of Shannon R. Wheatman in Support of Notice Program in the Non-Defendant OTC Action and exhibits thereto, which are being filed contemporaneously with the motion.

DATED: March 10, 2020

Respectfully submitted,

LITE DEPALMA GREENBERG LLC

/s/ Joseph J. DePalma
Joseph J. DePalma
Steven J. Greenfogel
570 Broad Street, Suite 1201
Newark, New Jersey 07102
Telephone: (973) 623-3000
idepalma@litedepalma.com
sgreenfogel@litedepalma.com

William H. London
FREED KANNER LONDON & MILLEN LLC
2201 Waukegan Road, Suite 130
Bannockburn, Illinois 60015
Tel: (224) 632-4504
blondon@fklmlaw.com

Vincent J. Esades
HEINS MILLS & OLSON, P.L.C.
310 Clifton Avenue
Minneapolis, Minnesota 55403
Tel: (612) 338-4605
vesades@heinsmills.com

*Counsel for plaintiff 33-35 Green Pond Road Associates,
LLC and the proposed classes*

Jason A Zweig
HAGENS BERMAN SOBOL SHAPIRO LLP
555 Fifth Avenue, Suite 1700
New York, NY 10017
Tel: (708) 628-4958
jasonz@hbsslaw.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Ave., Suite 3300
Seattle, Washington 98101
Tel: (206) 623-7292
steve@hbsslaw.com

*Counsel for plaintiffs Courtyard at Amwell II, LLC,
Greenwich Commons II, LLC, Jill Court Associates II, LLC,
Maidencreek Ventures II LP, Raritan Commons, LLC, and
Lawrence W. Gardner and the proposed classes*